UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/NGO/30
29 January 1999

ENGLISH*
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 11 (e) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: RELIGIOUS INTOLERANCE

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 1999]

---

* Translation supplied by the submitting organization.

GE.99-10603 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Vietnam Committee on Human Rights, are deeply disturbed by the treatment of United Nations experts in the course of in situ visits. In the religious domain, 1998 was marked by incidents that hampered the visit of the Special Rapporteur on religious intolerance to Viet Nam.

2. Invited to visit Viet Nam from 19 to 28 October 1998, Mr. Abdelfattah Amor was consistently prevented from visiting non-governmental, independent religious leaders, notably members of the Unified Buddhist Church of Vietnam (UBCV), the Catholic, Cao-Dai and Hoa-Hao Churches. The most serious incident took place at the Thanh Minh Zen monastery in Ho Chi Minh City, where the Special Rapporteur was rebuffed manu militari by security police and obstructed from keeping a scheduled appointment with UBCV Secretary-General Thich Quang Do and two Buddhist scholars, Thich Tue Sy and Thich Tri Sieu, on 26 October 1998.

3. At Z30A Camp in Xuan Loc (Dong Nai), the camp authorities deliberately withheld certain political prisoners from the Special Rapporteur, cynically denying their presence in the Camp (i.e. Catholic priests John Bosco Pham Minh Tri, Bernard Nguyen Viet Huan, Michael Nguyen Van Thin and Buddhist monk Thich Hue Dang). Other dissidents were granted pseudo-amnesties just before the Special Rapporteur's arrival (i.e. Thich Nhat Ban, released 13 days before the end of his prison sentence). A private meeting at the camp between the Special Rapporteur and UBCV monks Thich Khong Tanh and Thich Thien Minh, obtained only after long discussions, had to be cut short because of persistent interference by the camp commander.

4. The FIDH and the Vietnam Committee had requested this visit for many years, and therefore deeply regret the Vietnamese Government's grotesque ill-treatment of the Special Rapporteur. The organizations fear, moreover, that this incident confirms the fears they have repeatedly expressed at the Commission on Human Rights, of a hardening in the Vietnamese Government's anti-religious policy. This policy, now directly under the control of the Communist Party of Vietnam (CPV), no longer even pretends to protect common interests. The Politburo's "Directive on religious affairs in the country's new stage of development" (2 July 1998) legalizes current practices of religious repression, and postpones yet again the elaboration of the much-awaited framework legislation on religious activity which the different religious denominations incessantly request.

5. The FIDH and the Vietnam Committee are further concerned by the provisions of the "Draft decree on religious activities", a copy of which they obtained in November 1998. This draft decree, which is designed to replace the current Decree 69 on religions, demonstrates Viet Nam's arrogant refusal to comply with its international commitments and its persistence in tightening religious controls. The text repeats in substance the provisions of Decree 69, but explicates new details which clearly reveal the totalitarian policy of the regime.

6. Thus, religious activities are authorized only if they do not obstruct "ideological [Marxist] education" and conform with the State's "political line" (art. 9). Under article 4 of the Constitution, the State's political

line is based upon "Marxist-Leninist doctrine and Ho Chi Minh thought", both of which are hostile to religion. Only "progressive" Churches authorized by the Government are allowed to exercise religious activities (art. 13) and their schools are placed under the direction and control of the Government Board of Religious Affairs (art. 14). All ordination, nomination, transfer and training of priests and monks without government approval is strictly forbidden (art. 15). The religious publishing house promised in July 1998 "will be established under the direction of the Government Board of Religious Affairs" (art. 24).

7. The draft decree flatly rejects the constant and unanimous demands of all the religious communities for the return of all Church property (churches, pagodas, lands, cultural and humanitarian institutions, universities, schools, etc.) confiscated massively by the authorities since 1945 under three successive Communist regimes which are enumerated together for the very first time: the Democratic Republic of Viet Nam (North), the Provisional Revolutionary Government of South Viet Nam (1975-1976) and the Socialist Republic of Viet Nam (art. 21). Religious groups are forbidden to make "illegal collections" for the restoration or construction of religious property (art. 19) - although no definition of "legality" is forthcoming in the text. International relations between religious organizations and travel overseas are maintained under strict Government control (art. 27 et al.). Moreover, the ambiguous crime of making use of religion to "undermine the policy of union of all the people" is reinforced by the interdiction of acts deemed to "create public disorder" (art. 7).

8. This draft decree seriously contravenes all relevant international standards. Simply one more tool of systematic repression, it aims to stifle all true spiritual life and deviate followers towards superstition and obscurantism by reducing freedom of religion to the bare minimum of freedom of worship.

9. All Buddhist leaders "amnestied" in autumn 1998 have either been placed under "administrative detention" (Thich Nhat Ban, also Thich Tri Tuu, Thich Hai Tang, Thich Hai Thinh, Thich Hai Chanh "released" previously) or plunged into a state of illegality by the non-delivery of the residence permit (ho khau), indispensable for every citizen's existence: the cases of Thich Quang Do, Thich Tue Sy, Thich Khong Tanh, also Thich Hanh Duc, released in 1996 and subsequently evicted from his pagoda. Moreover, UBCV Patriarch Thich Huyen Quang has been detained without trial in Quang Ngai for the past 17 years. Although the local security police announced his "release" on 28 November 1997, he has not been allowed to return to his former residence in Ho Chi Minh City and was not allowed to meet the Special Rapporteur.

10. These practices, which extend also to the Catholics, Cao Dai, Hoa Hao and Protestants, are backed up by a powerful arsenal of legislation which, under the pretext of protecting "national security", seeks to suppress all religious and political dissent. Alongside the numerous "national security" offences and "abuse of democratic rights and freedoms" punishable under the

Criminal Code, Decree 31/CP (14 April 1997) on "administrative detention" legitimizes the detention of opposition clerics by empowering local security police to detain anyone suspected of threatening "national security" for up to two years without trial.

11. The FIDH and the Vietnam Committee fear that the recent censorship of the Special Rapporteur was motivated by the intent to dissimulate this systematic repression. Many dissidents, Buddhists, Cao Dai and Catholics had prepared documents for the Special Rapporteur on the religious situation in Viet Nam. Since they were prevented from meeting Mr. Amor, they sent these documents clandestinely to the Vietnam Committee on Human Rights for forwarding to the Special Rapporteur. UBCV dignitaries Thich Quang Do (document dated 25 October 1998), Thich Tue Sy (25 October 1998), Thich Nhat Ban (25 October 1998), Thich Tri Tuu (10 October 1998), Thich Hai Chanh (22 October 1998), along with the Buddhist "Sangha for the Protection of the Faith" (20 October 1998) and 29 monks from Linh Mu Pagoda in Hue (19 October 1998), wrote to the Special Rapporteur to describe violations of religious freedom, often citing first-hand experiences, and called for their grievances, unheeded by the Vietnamese authorities, to be remedied. These include:

(a) To release UBCV Patriarch Thich Huyen Quang and other prisoners of conscience (Thich Quang Do cites 105 names), end the house arrest of monks released from prison, issue them with residence permits and allow them to carry out their religious activities as before;

(b) To re-establish the right to existence of the UBCV, restore its full freedom of religious activity and return all property, administrative centres, educational, cultural, humanitarian and social institutions confiscated since 1975;

(c) To abolish the obligatory membership of monks and nuns in State-sponsored political organizations.

12. A 17-page document sent clandestinely from Danang by the "Sangha for the Protection of the Faith" denounces the CPV's total control of all religious activities, particularly concerning the 300,000-member "Buddhist Youth Movement" founded by the UBCV in the 1930s. Even one official from the State-sponsored Vietnam Buddhist Church (VBC)*, Thich Quang The in Danang, sent a complaint to the Government and the CPV (Ref. 244/BTS/VP) demanding the restitution of 17 VBC pagodas and schools confiscated by the State.

13. Catholic priest Tran Si Tin, from Chu She diocese in Gia Lai province, told Mr. Amor in a letter dated 10 October 1998 that he is forbidden to celebrate Mass, hold catechism classes or convene meetings outside his church. Bibles are regularly confiscated, followers harassed, fined or arrested, and

---

* Secretariat note: In his report (E/CN.4/1999/58/Add.2), Mr. Amor uses the designation "Buddhist Association of Viet Nam".

tight restrictions have been placed on seminaries and recruitment of new seminarians. He cites two churches in Kontum confiscated by the State and a chapel destroyed in Gia Lai. He also complains of the lack of a Catholic press, the only two magazines currently in existence being propaganda tools of the CPV.

14. Whilst Mr. Amor met representatives of the State-sponsored Cao-Dai Church in Tay Ninh, police sequestrated two priests, Thai The Thanh and Thuong Thien Thanh, in their homes. In Ho Chi Minh City, police detained Cao Dai priest Le Quang Tan to prevent him meeting the Special Rapporteur.

15. The FIDH and the Vietnam Committee express their full support for the Special Rapporteur on religious intolerance. The organizations call on the Commission on Human Rights to strongly condemn these acts and urge the Vietnamese Government to fully cooperate with its special thematic procedures.